

In The United States District Court
for the Southern District of Illinois.

SCANNED AT MENARD and E-mailed
11-7-11 by RN 89 pages
date Initials No.

Bobby L. Phillips # A66488
Plaintiff

Cause Number: 11-1003-MJR

Date: 11-7-11

vs.

S.A. Godinez
Sherry Benton
Dave Rednour
MRS. Oakley

Jury Trial is demanded
in This Cause of action.

42 U.S.C. § 1983 Complaint.
Jurisdictional Statement,

FILED

NOV - 7 2011

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

Plaintiff Bobby L. Phillips is a inmate incarcerated at menard Correctional Center. Plaintiffs Civil Rights are being violated in Contravention of 42.u.s.c. §1983 in that the defendants were and Currently are intentionally and deliberately acting indifferent to Plaintiffs need for protection of assaults, and death From and by fellow inmates, and Known prison gangs.

This action arises under the 8th and 14th amendments To the united states Constitution and 42.u.s.c. §1983 Jurisdiction is invoked pursuant to 28 u.s.c. §1331 and 1343 (a) This Court has Jurisdiction over Plaintiffs request for declaratory and injunctive relief pursuant to 28 u.s.c. §2201-2202 and 28 u.s.c. §1391 (b) and (a)

"All administrative Remedies have been Exhausted,
See Exhibit A-1 hereto attached to this Complaint."

Parties

1. Plaintiff is a inmate incarcerated at menard Correctional Center.
 - (a) as set forth below, Plaintiff has been and is being subjected to intentional and deliberate indifference to his Constitutional Rights under the 8th and 14th U.S. amendment to be free from Cruel and unusual Punishment and assault's by other inmates and Due Process Clause of the 14th amendment by doing;
 - (B) Defendant's refuse to investigate plaintiffs need for protection or the Contracts for him to be killed by gang members of the Aryan Brother Hood, Dirty white Boys, Latin Kings, Northsiders, and Inmates Larry Rodgers #N53436, Roderick Choisser #A76000 and a inmate known to Plaintiff by the Nick name's Shaky John a East Cell House Gallery worker as of the date of this Complaint, and a inmate known as "Snake".
 - (C) Defendants are intentionally and deliberately denying Plaintiff Protection from these gang's and inmates from July 27, 2011 untill the date of this Complaint and will ^{Not} stop untill this Court issues an injunction to stop them.
 - (D) see attached exhibit's in proof of exhaustion of all administrative Remedies, and Claims made herein by Plaintiff against Defendants. Plaintiff ask the Court to Take note of the date's on each of the attached Exhibits, and by reference hereby incorporates the dates and facts in them into this Complaint.
2. Defendant S.A. Godinez was and is the allinors Department of Corrections Director at all Times relevant to this Claim and on June 19th and the date of this Complaint.
 - (A) Be it Known all defendants herein named in this Complaint are and is being sued for the Cost of this Court's filing fees,

and any Court Cost or Fines, ~~all~~ all defendants are being sued in there individual and official Capacity for injunctive relief.


3. Defendant Sherry Benton was and is one of the administrative Boards Review officers, and is responsible for conducting interviews, hearings on grievances and making a determination and ruling on each inmate's grievance or request for protection and Protective Custody housing between June 19, 2011 and the date of This Complaint.

4. Defendant, Dave Rednour is the warden of menard Correctional Center and is legally responsible for the daily operation of the menard Correctional Center and the safety of the inmates housed therein, between June 19, 2011 and the date of this Complaint.

(A) all defendants herein named have been ask to provide Protection and Protective Custody housing for Plaintiff, and refused to Provide Protection, or Protective Custody housing Knowing that if They Continue to denie Protection and Protective Housing plaintiff will be assaulted or Killed.

5. Defendant Mrs Oakley is a menard Correctional Center officer her Job duties are to act and regulate, and investigate incidents and write reports as a internal affairs investigating officer between June 19, 2011 and The date of this Complaint.

Factual Back Ground.

 Plaintiff Bobby L. Phillips, is a 52 year old man, in Poor health, he is Currently involved in the following Court Procedures;

1. In The united states District Court, Northern District of Illinois, Cause No: 11-C-2701 The Case is before Judge George M. Marovitch, and The attorney Representing

- Plaintiff in this Case is Attorney matt. D. Basil of Jenner + Block LLP. Chicago Ill, Phone 312-840-8636, Fax 312-840-8736, in Case Bobby Phillips vs. Wexford Health Source INC.
2. Plaintiff is also a plaintiff in a Case before the United States District Court for the Central District of Illinois in Case: Dustin Collins vs. Willard O. ElYea M.D, Attorney representing Plaintiff in this Cause of action is MR. H. Kent Heller, of Heller + Holmes + Associates P.C. phone 217-235-0531
 3. Plaintiff also has a Case before the Small Claims Court of Illinois Case Number 09CC0162
 4. Plaintiff is aware of the Prison Litigation Reform Act of 3 Strikes and states under oath and Penalty of perjury That he has no strikes against him, and has not ever Filed a Frivolous or malicious motion before any Court, at any Time.

Factual Back Ground on defendants

Failure to protect, and deliberate indifference.

1. Defendant S.A. Godinez is the director in charge of all Illinois Department of Corrections between June 19, 2011 and the date of this Complaint. it is his Job to secure the safety of all inmates to protect them, and Plaintiff from being assaulted by other inmates. On or about OCT 12, 2011 and/or June 27, 2011 This defendant after reviewing Plaintiffs files and request for protective custody and protection denied plaintiff his request for protection Even though there was documentation available for him to obtain That would and does show Plaintiff has a Contract on his life, That Gang members have Placed a Contract on Plaintiff to Cause his death and That at least one

of Plaintiff's sworn enemys is assigned by prison staff to be a Gallery worker in the housing unit Plaintiff is assigned to live in, along with known prison gang's. This Court is directed to Exhibits A Through K, hereto attached to this Complaint, and incorporated as part of this Complaint to establish Dates, Times and facts alledged to have and are being done by the defendants. Defendants named in this Complaint, and the exhibits, are willfully and intentionally refusing to provide Protection and Protective Housing for Plaintiff, knowing they are subjecting Plaintiff to bodily harm or even death by fellow inmates.

2. Defendant Sherry Benton is a member of the administrative Review board, it is her job, and part of her duties to investigate all Request for protective custody, and to verify all information given in that Request, Defendant was, and is a member of the administrative Review board from June 19, 2011 until the date of this Complaint.

On 10-11-11 This defendant was Told, and had possession of all the attached Exhibits A-K, This defendant refused to read or investigate any of the information contained in them, stating she didn't have time, too many inmates to see, and as is exhibited by her response Dated Oct. 11, 2011, attached as Exhibit A-1, paragraph 6, stating Plaintiff Told her the danger's he was in, and that she would not verify or interview/investigate anything Plaintiff said or showed her that instead he should Talk to internal affairs.

On this same Exhibit, paragraph H, Defendant states Plaintiff did not alledge any enemy at menard This Contradicts paragraph 6 where she states Plaintiff Clearly Told her about inmate Shady (shaky) John

who was a worker in the cell house ~~he~~ Plaintiff was assigned to live in. Plaintiff's grievances state the Aryan brother hood, North side & Latin King gangs have a Contract on him. it is without question these gangs are in menard prison. This defendant was given Plaintiff's Federal prison's Registered number, for her to call The Federal prison and verify his Contract and enemies, This defendant refused to do even this, or any minimal investigation, and on Oct. 12, 2011 denied Plaintiff's request for protective custody housing, and ordered Plaintiff back into general population to face the assaults or be killed, showing complete deliberate indifference to Plaintiff's health and safety, subjecting him to assaults and death.

3. Defendant Dave Rednour is, and was the warden of menard Correctional Center from June 19, 2011 until the date of this Complaint. Defendant was sent 3 letters on 8-1-11, 8-7-11, & 9-16-11, and two Emergency grievances, Requesting Protection, and advising him of the life and death danger Plaintiff was and is in. Plaintiff had one of his attorneys mail this defendant a letter, and a grievance on behalf of Plaintiff. Defendant refused to answer or otherwise respond to any letters or grievances asking for his help and protection from June 19, 2011 until the date of this Complaint.

4. Defendant Mrs. Oakley is and was assigned from June 19, 2011 until the date of this Complaint as a Correctional officer assigned to internal affairs, it is her job to investigate all allegations and disturbances in the prison. Plaintiff was seen by Mrs. Oakley on Oct. 13, 2011. Plaintiff gave her all the exhibits here to attached, when Plaintiff told her of one of his named enemies by the nick name of "Shaky John".

being a Cell house gallery worker in the Cell house plaintiff is assigned to live in, Defendant Mrs Oakley Called the Sargent in Charge of the East Cell house, gave him Plaintiffs description's and Nick Name Shaky John on 10-13-11 at 8:37^{Am} The Sargent provided proof to Mrs Oakley of Shaky John, and his real name and prison number, That he was in fact a Cell house worker. she had me sign some documents then leave her office. Nothing was done about this inmate or the danger I was in. on 10-24-11 I was informed I would be returned to general population to face my enemys and be assaulted or Killed by Shaky John, Latin Kings, Aryan Brotherhood, North Siders.

The defendants are guilty of violating plaintiffs Constitutional 8th + 14th Amendment Rights by intentionally and deliberately Subjecting plaintiff to being assaulted and or Killed by refusing to provide Protection to Plaintiff.

As is evident in this Complaint and Exhibits attached hereto as exhibits A through K.

Wherefore Plaintiff Prays This Court will issue an Immediate order of Injunction prohibiting the defendants and the Illinois department of Corrections from denying him protection, and protective Custody housing in the protective Custody unit and prison through out all prisons in the state of Illinois.

Plaintiff Prays This Court will issue a order ordering all The defendants to protect, and place Plaintiff in Protective Custody befor he is assaulted and Killed.

Plaintiff Prays and request this Court for the order of protection, injunction/injunctive relief

and that all The defendants be ordered to pay all Court Cost, Filing Fees or fines associated with this 42 U.S.C. §1983 Complaint.

Plaintiff is not requesting money damages for himself. only that ~~the~~ Defendants pay for all cost of this Cause of action. Plaintiff would state he reserves the right to request money damages should Defendants in there ~~denies~~ denying protection to Plaintiff cause him to be assaulted or Killed before this Court can issue a Injunctive order. Plaintiff ask the Court to grant him any other relief it deems proper and fit.

Plaintiff Bobby Phillips swears under oath that all statements and Exhibits contained in this Complaint are True and Correct statements, pursuant to 28. U.S.C. 1746 18 U.S.C. 1621 or 735 ILCS 5/1-109, being so sworn to I affix my Signature.

Bobby L. Phillips
Bobby L. Phillips
P.O. Box 1000
Menard Ill. 62259

Certificate of Service

I Bobby L. Phillips, Certify that I sent Through menard Correctional Center's prison law library's Legal staff Representative The attached 42 U.S.C. 1983 Complaint and forma pauperious To The united states southern District of Illinois by having the legal aid staff member E-File said same motions, per this Courts request on 11th day of November, 2011.

Bobby Phillips
Plaintiff

Bobby L. Phillips #A66488
menard Correctional Center
P.O.-Box 1000
menard Ill. 62259

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